



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 09/698,920
Filing Date: October 27, 2000
Applicant: Meredith et al
Group Art Unit: 3724
Examiner: Kenneth E. Peterson
Title: GUARD AND CONTROL APPARATUSES
FOR SLIDING COMPOUND MITER SAW
Attorney Docket: 0275A-000168/DVB

RECEIVED
MAR 19 2004
TECHNOLOGY CENTER R3700

Director of The United States Patent and Trademark Office
P.O. Box 1450
Alexandria, Virginia 22313-1450

**STATEMENT OF COMMON OWNERSHIP OF PRIOR ART CITATION AND
INVENTION TO DISQUALIFY PRIOR ART UNDER 35 U.S.C. § 103(c)**

35 U.S.C. § 103 Condition for Patentability; Non-Obvious Subject Matter.

(c) Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

In the "Guidelines Setting Forth a Modified Policy Concerning the Evidence of Common Ownership, or an Obligation of Assignment to the Same Person, as Required

by 35 U.S.C. 103(c)" [OG: December 26, 2000, pages 96-97] the following is stated to be the policy on what evidence is needed to establish common ownership, or an obligation to the same person: "Applications and references (whether patents, patent applications, patent application publications, etc.) will be considered by the Examiner to be owned by, or subject to an obligation of assignment to the same person, at the time the invention was made, if the Applicant(s) or an attorney or agent of record makes a statement to the effect that the application and the reference were, at the time the invention was made, owned by, or subject to an obligation of assignment to, the same person.

"This policy is being changed in order to simplify the examination and processing of requests for the exclusion of prior art under 35 U.S.C. 103(c). The Applicant(s) or the representative(s) of record have the best knowledge of the ownership of their application(s) and reference(s), and their statement of such is sufficient evidence because of their paramount obligation of candor and good faith to the USPTO." See also *MPEP*, § 706.02(l)(2), 8th Edition.

1. The above identified application and the citation U.S. Patent No. 5,755,148 to inventors William R. Stumpf, Daryl S. Meredith, John W. Miller, and Michael L. O'Banion and assigned to Black & Decker Inc. were, at the time the invention of this application was made, owned by the same entity: Black & Decker Inc.

NOTE: "[A]pplicant(s) may submit, in addition to the abovementioned statement regarding common ownership, the following objective evidence:

(A) Reference to assignments recorded in the U.S. Patent and Trademark Office in accordance with 37 CFR Part 3 which convey the entire rights in the applications to the same person(s) or organization(s);

(B) Copies of unrecorded assignments which convey the entire rights in the applications to the same person(s) or organization(s) are filed in each of the applications;

(C) An affidavit or declaration by the common owner is filed which states that there is common ownership and states facts which explain why the affiant or declarant believes there is common ownership, which affidavit or declaration may be signed by an official of the corporation or organization empowered to act on behalf of the corporation or organization when the common owner is a corporation or other organization; and

(D) Other evidence is submitted which establishes common ownership of the applications.
MPEP, § 706.02(l)(2), 8th Edition.

2. ☒ In addition, Applicant submits the following evidence of common ownership:

Assignment of the present application is of record in a prior application. The Assignment is to Black & Decker Inc. and is recorded at Reel 8523, Frame 0751. Assignment of U.S. Patent No. 5,755,148 is also to Black & Decker Inc. and is recorded at Reel 7790, Frame 0492.

Respectfully submitted,

Dated: 3-15-04

By: Ryan W. Massey
Ryan W. Massey, Reg. No. 38,543

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. Box 828
Bloomfield Hills, Michigan 48303
(248) 641-1600
RWM/dr